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10/079,121	02/19/2002	Carlo Cattaneo	163-380	6775

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/079,121

Applicant(s)

CATTANEO, CARLO

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 27 August 2002 has not been considered for this Office Action.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 17. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Document EP 0 976 346 A2 (EP '346).

Connection device (20) for the realization of a tubular-frame structure for supporting surfaces constituted by a body (21) from which projects at least one socket (22) for connection to tubular profiles (23) and possibly, in a generic perpendicular direction or at an angle, projects a connector for releasable connection of a leg (Figs. 1-19). The at least one socket has a non-continuous external wall that defines a seat (24) attached at the base by an abutment surface for a blocking means (25) carrying a threaded hole (27) that houses an operation grain (26).

EP '346 also discloses that:

- The blocking means is a beam (25) that has a U-shaped cross section (middle portion to the top or middle portion to the bottom) (Fig. 1).
- The blocking means causes or prevents connection by interfering only with curved portions of the external wall being opposite the beam with the tubular profile moving along in the seat controlled by the operation grain (Figs. 6-9).
- The tubular profile is fitted until it abuts against an abutment surface in the body (Figs 1, 5 and 11-14).
- The operation grain can be accessed through a hole (32) on the tubular profile fitted onto the socket (Figs. 1, 5-7 and 11-14).

***Claim Rejections - 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '346 in view of Lerich (US 3,967,525).

EP '346 discloses a connection device having all the features mentioned above in paragraph 5 for the rejection of claim 1. The socket disclosed by EP '346 has a hole (29) housing a portion of the operation grain by means of a peripheral edge of the hole (Figs. 3-5 and 10). EP '346 fails to disclose that the operation grain is held in place by a sealing element. However, Lerich teaches a fastener (10) having a threaded portion (13) and an anchor (14) disposed in an opening by using a sealing element (28). The sealing element is in the form of a broken ring made of hardened steel (Figs. 1 and 2). The ring allows easy insertion of the fastener and prevents withdrawal of the fastener from the opening (C. 1, L. 67 and 68 and C. 2, L. 1-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a sealing element as taught by Lerich to retain the operation grain disclosed by EP '346 because the sealing element will allow easy installation of the operation grain to the socket but prevent withdrawal of the operation grain from the socket.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP '346 in view of European Patent Document EP 0 972 466 A2 (EP '466).

EP '346 discloses a connection device having all the limitations listed above in paragraph 5 for the rejection of claim 1. EP '346 the body of the connection device has a threaded aperture

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with a nut connecting to a threaded fastener extending from a tubular leg. EP '346 fails to disclose that the connector is composed of an expandable cylindrical body. However, EP '466 teaches a connection device (15) provided with an expandable cylindrical body (11) equipped with a plurality of notches (19) and upon which acts an operation grain (23) that can be operated through a key from outside the tubular leg. This device simplifies the connection of a hollow leg because the connection only requires machining of a hole in the leg and the connection does not require machining of various pieces to obtain the connection (C. 1, L. 50-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have an expandable cylindrical body according to the teaching of EP '466 in the connection device disclosed by EP '346. Doing so, simplifies the connection of a hollow leg because the connection only requires machining of a hole in the leg and the connection does not require machining of various pieces to obtain the connection

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vogt (US 3,701,553), Sonolet (US 3,743,332), Schneider (US 3,822,101), Andersson (US 3,901,613), Berkowitz (US 3,958,889 and US 4,027,987), Day (US 4,249,830), Vandelanoite (US 4,291,999), Yamamoto (US 4,319,629), Thom (US 4,344,719), Allen (US 5,904,437), French Patent Documents 1,349,424 and 2 578 297, Swiss Patent Document 438 848 and European Patent Documents EP 0 226 654 A1, EP 1 234 526 A1, EP 1 234 986 A1 and EP

279 353 A1 are cited to show state of the art with respect to connection devices having some of the features of the current application.

Peirce (US 1,407,570) is cited show state of the art with respect to connecting a fastener by the use of a sealing element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9326) on        (Date).

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

ReR  
rcr

June 30, 2003

*J. J. Swann*  
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